

REMARKS

Claims 18 and 22-36 are pending in this application. By this Amendment, claim 18 is amended to even more clearly distinguish over the applied references, claims 22 and 24-29 are amended for clarity, claims 19-21 are canceled, and claims 35 and 36 are added. No new matter is added by this Amendment. Support for the amendments can be found at, for example, previous claims 19-21, Fig. 2 and the accompanying description of Applicants' specification as filed. Reconsideration based on the amendments and following remarks is respectfully requested.

I. Personal Interview

Applicants appreciate the courtesies extended to Applicants' representative during the October 2, 2009 personal interview. Applicants' separate record of the substance of the interview is incorporated herein below.

II. The Claims Define Allowable Subject Matter

The Office Action rejects claims 18-23, 33 and 34 under 35 U.S.C. §102(b) over Best (U.S. Patent No. 5,510,164); and rejects claims 24-32 under 35 U.S.C. §103(a) over Best in view of Nee (U.S. Patent No. 6,544,616). The rejections are respectfully traversed.

Applicants respectfully submit that Best fails to teach the combination of features of independent claim 18, as well as the features of newly added claims 35-36. Nee fails to remedy the deficiencies in Best, and Best in view of Nee would not have rendered obvious claims 24-32 for at least the same reasons.

Specifically, as discussed during the personal interview, independent claim 18 recites "the first substrate comprises a patterned front face comprising raised parts designed to enable writing and reading of the medium on zones arranged above the raised parts; and the inorganic material is an inorganic material locally deformed in the form of a bubble by the

action of a writing optical radiation, wherein the bubble is formed in at least one of the zones arranged above at least one of the raised parts." Best fails to teach at least these features.

Best discloses the formation of holes, col. 5, lines 34-37. Best fails to disclose bubbles. Best describes at col. 3, lines 35-40 a deformable layer 20 that accommodates the flow of tellurium-based material in the active layer and thereby leaves holes when struck by a laser beam. There is no disclosure whatsoever of bubbles or voids either in the drawings or in the specification of Best. At col. 4, Best explains merely that a scratch-resistant hard coat layer 17 is formed over the deformable layer 20 after the formation of the holes. Further, Best fails to specify where the holes are formed and whether the holes are formed in the grooves or raised portions. Best does not indicate where to focus the laser beam during ablation.

The claim 18 arrangement accommodates the precise creation of marks in the form of bubbles with a better quality and a limited widening. Specifically, the deformations created in the deformable layer are added to the protrusions created in the photosensitive layer and these deformations are arranged in zones above raised portions. Therefore, the bubbles arranged over the raised portions are more easily detected by a reading optical radiation. If the protrusions or marks are arranged on the grooves, the reading optical radiation can confuse such protrusions with a raised portion. On the other hand, if the marks are in the form of holes as disclosed by Best, the reading optical radiation may confuse even the grooves of the substrate with a raised part. Thus, Best's arrangement is clearly different and disadvantageous in comparison with the claim 18 arrangement.

In view of the foregoing, Applicants respectfully submit that Best fails to teach each and every feature of independent claim 18 and thus also fails to teach each and every feature of the claims depending from claim 18. Further, Nee fails to remedy these deficiencies in Best, among others. Best in view of Nee would not have rendered obvious the features of claims 24-32. As such, withdrawal of the rejections under 35 U.S.C.

§102 and §103 is respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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WPB:RAC/amt

Attachments:

Petition for Extension of Time
Request for Continued Examination

Date: October 8, 2009

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